

HOUSE BILL 825
By Head

AN ACT to amend Tennessee Code Annotated, Title 65, to enact
"Broadband Parity Act of 2003."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding Sections 2 through 5 of this act as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Broadband Parity Act of 2003."

SECTION 3. As used in this act, unless the context otherwise requires, "broadband service" means any service that is used to provide access to the Internet and consists of or includes the offering of:

(1) A capability to transmit information at a rate that is generally not less than one hundred forty-four (144) kilobits per second in at least one (1) direction;
or

(2) Any service that combines computer processing, information storage, protocol conversion, and wire routing with transmission to enable users to access Internet content and services; or

(3) Any combination of services described in subdivision (1) or (2) above.

SECTION 4. The general assembly hereby finds and determines that broadband service and broadband access service are competitive in Tennessee and that existing and potential competition in broadband service and broadband access service is an effective regulator of the price of those services. The general assembly further finds that broadband service and broadband access service are not telecommunications services. The general assembly also finds that parity in regulation of broadband service and broadband access service promotes faster deployment of broadband services and broadband access service to all areas of Tennessee.

SECTION 5.

(a) Notwithstanding any other provision of law to the contrary, no agency of the state shall impose or implement any requirement upon a provider of broadband service or broadband access service with respect to:

(1) The facilities or equipment used; or

(2) The rates, terms or conditions for or entry into the provision of broadband service or broadband access service unless such regulatory requirement is imposed equally and uniformly upon all providers of broadband service or broadband access service.

(b) Subsection (a) shall be implemented without increasing the regulatory requirements, existing as of June 6, 1995, that are applicable to any provider of broadband service or broadband access service on any such service, or on any facilities or equipment used to provide any such service, in the provision of broadband service or broadband access service.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

